



Darren C. Wolff
Attorney at Law
Licensed in KY and CA

LAW OFFICE
DARREN C. WOLFF
2615 Taylorsville Road
Louisville, Kentucky 40205



Phone
(502) 451-3911
darrenwolff@dcwolff.com

10 May 2007

Dr. Robert Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Mr. Pete Geren
Secretary of the Army
101 Army Pentagon
Washington, DC 20310-0101

RE: FORMER ARMY PFC STEVEN GREEN / SSN [REDACTED]

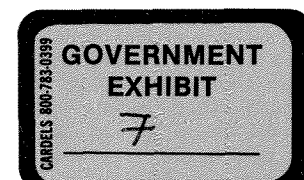
Dear Sirs:

My name is Darren C. Wolff and I am a member of the defense team currently representing former Army PFC Steven Green in federal court in Kentucky. As I am sure you are aware, Mr. Green is one of five 101st Airborne Division soldiers accused of rape, murder, and various other charges in connection with an incident occurring on 12 March 2006 near Yousifiyah, Iraq. To date, three of Mr. Green's co-accused have been tried by courts-martial. The final court-martial is currently set for July at Fort Campbell, Kentucky. Since Mr. Green had been discharged from the Army when the allegations in this matter were investigated, he has been charged with the civilian equivalent of the military offenses described above in federal court and will be tried in the Western District of Kentucky at Paducah. A trial date has yet to be set in that matter.

I am writing to bring to your attention a situation the defense team believes warrants your immediate consideration. On 15 February 2007, I addressed a correspondence to the Office of the Staff Judge Advocate at Fort Campbell, Kentucky, requesting consideration of the option to dispose of Mr. Green's case through court-martial instead of through trial in federal court. (Attachment 1). To date, I have received no written response to my request and have been told verbally the request is being negatively endorsed by the command at Fort Campbell.

As a former Judge Advocate in the Marine Corps, I understand and respect the chain of command and felt strongly at the time of my 15 February correspondence that it was appropriate to begin discussion of the Green court-martial option at the local level. However, because I simply am unaware of where my request is currently in the chain of command, I feel it is now appropriate to bring this matter to your attention in order to ensure proper consideration of this option at all levels of the Army in a timely manner.

While I do not believe a written correspondence can adequately address the benefits gained by the Army should this case be resolved at court-martial versus in federal court, I would like to highlight some of the benefits in this letter. Additionally, in



an attempt to further demonstrate the defense's position in Mr. Green's case, I have attached a copy of a recent letter sent to the Department of Justice wherein additional issues and facts surrounding this case are disclosed. (Attachment 2). You may find this letter useful in your analysis of this case. Further, we have also presented the Department of Justice our request to resolve this case via court-martial. We feel such a disposition would be best for all parties involved.

As you are likely aware, the legal proceedings surrounding the events of 12 March 2006 have received significant national media attention. To date, most of the stories covering these proceedings have not been overly critical of the chain of command's role in the events of 12 March 2006. This is undoubtedly due, in part, to the Army's uncanny ability to control the media in a military courtroom. For example, the military judge presiding over the courts-martial proceedings has specifically forbidden the use of any recording devices by members of the public. Additionally, the Manual for Courts-Martial and the rules of procedure and evidence contained therein preclude presentation of much of the evidence that would lead to a negative portrayal of the chain of command and the Department of the Army as a whole.

However, in the event Mr. Green is tried in federal court most, if not all, of the mechanisms used by the Army to control the dissemination of information will be eliminated and it is probable that the federal judge will allow much broader coverage of the proceedings. A federal trial in this case would undoubtedly receive extensive national press coverage as evidenced by, among other things, the national media's constant requests to the defense team for interviews. To date, we have declined such requests. However, this may not always be the case. Undoubtedly, one area of interest to the press would be the undeniable role the chain of command played in the events of 12 March 2006.

Additionally, at a federal trial, the evidentiary rules will undoubtedly allow greater latitude than military law regarding the admissibility of evidence that the Army could have prevented the events of 12 March 2006 if it had acted in a more competent manner. For example, PFC Green was treated by an Army combat stress team in December of 2005, shortly after his Platoon Sergeant and Team Leader were killed at point blank range at the hands of an Iraqi civilian who was thought to be an ally. During his treatment by Army combat stress, PFC Green specifically reported homicidal ideations and that he wanted to kill all Iraqis. Despite this, PFC Green was just given anti-psychotic medication, received no follow-up treatment, and was sent back to combat. (Attachment 3). In fact, PFC Green was returned to the very place (Traffic Checkpoint Two) where his Team Leader had died in his arms just a few days earlier. (Attachment 4). Three months later, the events of this case allegedly occurred near Traffic Checkpoint Two.

After the allegations came to light, the Army conducted an internal review of PFC Green's treatment by the combat stress team and concluded his treatment was sub par. (Attachment 3). Certainly if this case proceeds to trial in federal court, all of the details of this matter will be brought to light by the defense and reported by the national press.

Similarly, if this case proceeds to a federal trial, other evidence will be presented that will not portray the current administration in a favorable light. For example, much has been written about the insufficient troop levels sent by the administration to fight the Iraq war. As related specifically to this case, commanders of PFC Green's unit have testified in the parallel military proceedings that PFC Green's unit did not have adequate troop levels to cover their assigned area within the "Triangle of Death" during the unit's 2005 - 06 deployment. The unit's commanders have specifically testified they requested additional troops, and their requests were denied. The commanders also testified that one of the undermanned positions was an outpost where three members of PFC Green's unit were killed in June 2006. One soldier was killed in the enemy's attack. Two others were kidnapped from the position, tortured and beheaded. Their remains were then booby-trapped with explosive devices aimed at targeting more U.S. Soldiers. (Attachment 4). Al Qaeda in Iraq claimed responsibility for the murders and posted an internet video of the beheaded bodies of Pfc. Kristian Menchaca, 23, of Houston, Texas, and Pfc. Thomas L. Tucker, 25, of Madras, Oregon, being dragged through the streets.

Other evidence of PFC Green's unit not being provided sufficient support includes testimony by PFC Green's commanders in earlier proceedings that the unit was not always provided adequate equipment, as well as not receiving critical aid such as medevacs for injured soldiers. Again, if this case proceeds to a federal trial, all of this information will be presented in detail in court and reported by the press.

Besides the ability to control the media's portrayal of this case, equity dictates Mr. Green's case be disposed of by court-martial. Had the events of 12 March 2006 come to light before his discharge, Mr. Green would have undoubtedly been placed on legal hold and tried by court-martial along with the co-accused. In federal court he will, in essence, face trial by civilians for alleged war crimes committed while on active duty in the Army. According to research conducted by the defense team, he will be the first person to be tried under such circumstances further indicating the inequity likely to result from such proceedings. In short, if tried in federal court, PFC Green will be the first soldier or former soldier not tried by his peers in the military for a crime allegedly committed while part of a military operation.

In closing, the defense team respectfully requests a meeting with you to discuss this matter. We believe resolution of Mr. Green's case is an important matter for all parties involved and a personal meeting is warranted to thoroughly discuss the same. Thank you for your attention to this matter and please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wolff", with a stylized flourish at the end.

Darren C. Wolff